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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,100	09/09/2003	Takeharu Arakawa	Q77201	9856

23373 7590 09/28/2006
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EXAMINER

NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/657,100	Applicant(s) ARAKAWA, TAKEHARU	
	Examiner Khai M. Nguyen	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 7/3/2006 have been fully considered but they are not persuasive.

Regarding the Kung and Kamada references, applicant states that Kung and Kamada do not suggest "in response to a predetermined event, a communication terminal begins to establish a communication line to create a communication session and that the predetermined event occurs before a user instructs a communication circuit to transmit initial data to an information center".

In contrast to applicant's assertions, the examiner directs the applicant to Kung (U.S. Pat-6584328) and Kamada (U.S. Pat-6381637). Kung (U.S. Pat-6584328) and Kamada (U.S. Pat-6381637) clearly disclose "in response to a predetermined event (see Kamada, fig.5, col.7, line 63 to col.8, line 20), a communication terminal (see Kamada, fig.24, client computer 241) begins to establish a communication line to create a communication session (see Kamada, col.5, lines 29-43, the line from being connected without the user being aware of the connection) and that the predetermined event occurs before a user instructs a communication circuit to transmit initial data to an information center (see Kamada, col.5, lines 29-43, connection is to be made automatically to the internet, and the line from being connected without the user being aware of the connection)".

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung (U.S.Pat-6584328) in view of Kamada (U.S.Pat-6381637).

Regarding claim 6, Kung teaches a communication terminal (fig.1-2), comprising:
a communication circuit that transmits information to an information center and that receives information from the information center (fig.1, col.2, line 60 to col.3, line 26), wherein the information center is remote from the communication terminal (abstract); and

a controller that (fig.1, col.2, lines 36-44), in response to a predetermined event (fig.1, abstract, col.2, lines 36-44), instructs the communication circuit to begin to establish a communication line with the information center to create a communication session between the communication terminal and the information center (fig.1-2, abstract, col.2, lines 36-44),

Kung fails to special disclose wherein the predetermined event occurs before a user instructs the controller to instruct the communication circuit to transmit initial data to the information center, and wherein the communication unit circuit transmits the initial data to the information center before the communication unit circuit transmits any other data to the information center in response to a user instruction during the

communication session. However, Kamada teaches wherein the predetermined event occurs before a user instructs the controller to instruct the communication circuit to transmit initial data to the information center (col.5, lines 29-43, col.8, lines 38-61), and wherein the communication unit circuit transmits the initial data to the information center before the communication unit circuit transmits any other data to the information center in response to a user instruction during the communication session (col.5, lines 29-43, col.8, lines 38-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Kamada to Kung to improved data update rate, and allows for an increased speed of use of the invention.

Regarding claim 7, Kung and Kamada further teaches the communication terminal as claimed in claim 6, further comprising:

a display (see Kung, fig.2, element 18, col.2, lines 45-59), wherein the predetermined event comprises displaying a predetermined screen on the display (see Kung, fig.2, element 18, col.2, lines 45-59).

Regarding claim 8, Kung and Kamada further teaches the communication terminal as claimed in claim 6, further comprising:

an user input unit (see Kung, fig.2), wherein the predetermined event comprises the user inputting a predetermined command via the user input unit (see Kung, fig.2, col.3, line 11 to col.4, line 7).

Regarding claim 9, Kung and Kamada further teaches the communication terminal as claimed in claim 6, further comprising:

an key input unit (see Kung, fig.2), wherein the predetermined event comprises the user activating a predetermined button on the key input unit (see Kung, fig.2, col.3, line 11 to col.4, line 7).

Regarding claim 10, Kung and Kamada further teaches he communication terminal as claimed in claim 6, wherein the initial data comprises a request that requests information from the information center (see Kung, fig.2, col.3, line 11 to col.4, line 7).

Regarding claim 11, Kung teaches a communication method, comprising:
transmitting information to a remote information center (fig.1, col.2, line 60 to col.3, line 26);
receiving information from the information center (fig.1, col.2, line 60 to col.3, line 26); and

in response to a predetermined event, begin establishing a communication line with the information center to create a communication session with the information center (fig.2, col.3, line 11 to col.4, line 7),

Kung fails to special disclose wherein the predetermined event occurs before a user instruction to transmit initial data to the information center, and transmitting the initial data to the information center before transmitting any other data to the information center in response to a user instruction during the communication session. However, Kamada teaches wherein the predetermined event occurs before a user instruction to transmit initial data to the information center (col.5, lines 29-43, col.8, lines 38-61), and transmitting the initial data to the information center before transmitting any other data to the information center in response to a user instruction during the communication

session (col.5, lines 29-43, col.8, lines 38-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Kamada to Kung to improved data update rate, and allows for an increased speed of use of the invention.

Regarding claim 12, Kung teaches a software program contained in a computer-readable medium that instructs a computer to perform a routine (fig.1, col.1, line 35 to col.2, line 10), comprising:

transmitting information to a remote information center (fig.1, col.2, line 60 to col.3, line 26);

receiving information from the information center (fig.1, col.2, line 60 to col.3, line 26); and

in response to a predetermined event, begin establishing a communication line with the information center to create a communication session with the information center(fig.2, col.3, line 11 to col.4, line 7),

Kung fails to special disclose wherein the predetermined event occurs before a user instruction to transmit initial data to the information center, and transmitting the initial data to the information center before transmitting any other data to the information center in response to a user instruction during the communication session. However, Kamada teaches wherein the predetermined event occurs before a user instruction to transmit initial data to the information center (col.5, lines 29-43, col.8, lines 38-61), and transmitting the initial data to the information center before transmitting any other data to the information center in response to a user instruction during the communication

session (col.5, lines 29-43, col.8, lines 38-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Kamada to Kung to improved data update rate, and allows for an increased speed of use of the invention.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571.272.7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khai Nguyen
Au: 2617

9/20/2006


GEORGE ENG
SUPERVISORY PATENT EXAMINER